



## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012001

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-15 \_\_\_\_\_ received by this Authority on 09.07.2005 with letter of 13.04.2005
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/2, 2/2 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-15</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-15</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-15</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following document:			
D1: DE 100 43 290 C1 (ACTS GMBH & CO KG.), 18 April 2002 (2002-04-18)			
<b><u>Novelty</u></b>			
1. Document D1, which is considered to be the prior art closest to the subject matter of independent claim 1, discloses the following (the references in parentheses are to D1):			
<p>Safety device (1) for a vehicle, more particularly a motor vehicle, for reducing the risk of injury to a vehicle occupant (25) in side-impact collisions, having at least one cushioning element (4) which is mounted on the vehicle next to an occupant position and can be moved by an actuator device (5) in the direction of the occupant position from a rest position to an extended position, the actuator device (5) being driven by an in-vehicle drive mechanism.</p>			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The subject matter of claim 1 differs from the known safety device in that the in-vehicle drive mechanism is an electric motor.</p> <p>The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>2. Independent claim 15 relates to a method for operating a safety device comprising a device which is driven by an in-vehicle electric motor as per claim 1 (for example). The subject matter of claim 15 is therefore also novel (PCT Article 33(2)).</p> <p><b><u>Inventive step</u></b></p> <p>3. The problem addressed by the present invention can thus be seen as that of finding an alternative drive mechanism.</p> <p>The use of an electric motor as the in-vehicle drive mechanism instead of the pyrotechnic actuator known from document D1 not only allows the speed and distance of extension of the cushioning element to be controlled, but also allows the cushioning element to be retracted into the starting position.</p> <p>The subject matter of claim 1 and 15 is therefore inventive (PCT Article 33(3)).</p> <p>4. Claims 2 to 14 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.</p>

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**Industrial applicability**

5. The safety device claimed in the present application  
can be used in the automotive industry.